

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **SOUTHERN DISTRICT OF TEXAS**  
3                                   **HOUSTON DIVISION**

4           UNITED STATES OF AMERICA       \*     4:17-CR-419  
5   \*  
6           VS.                               \*     9:00 A.M. to 11:52 A.M.  
7   \*  
8           GAZELLE CRAIG, D.O., AND       \*  
9           SHANE FAITHFUL                 \*     FEBRUARY 9, 2018

10   **TRIAL**  
11                                   **BEFORE THE HONORABLE DAVID HITTNER**  
12                                   **AND A JURY**  
13                                   **Day 10 of 10 Days**

14           **APPEARANCES:**

15           **FOR THE UNITED STATES OF AMERICA:**

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1 **APPEARANCES:**

2 **ALSO IN ATTENDANCE:**

3 Mr. Michael Mills  
4 Mr. James Gainer  
5 Dr. Gazelle Craig, D.O.  
6 Mr. Shane Faithful  
7 Ms. Saba Mortezaavi

8 Court Reporter:  
9 Laura Wells, RPR, RMR, CRR  
10 515 Rusk, Suite 8004  
11 Houston, Texas 77002

12 Proceedings recorded by mechanical stenography.  
13 Transcript produced by computer-assisted transcription.  
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**DAY 10**  
**(Trial)**

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**PROCEEDINGS**

(Jury deliberations continued)

(Jury note to the Court.)

THE COURT: Thank you. Be seated. All right.

11:38:46

We have a note. The latest jury note is "We cannot reach a unanimous decision."

What is the government's position?

MR. ARMSTRONG: Please keep deliberating, Judge.

THE COURT: And the defense's position?

11:38:56

MR. WILLIAMS: Defense moves for a mistrial, Your Honor.

MR. LEWIS: Gazelle Craig also moves for a mistrial.

11:39:03

THE COURT: All right. Do you have any other requests? I'm going to deny the government's motion. But is there anything else you want to inquire at this time?

MR. ARMSTRONG: You are going to deny the government's motion?

11:39:11

THE COURT: That's correct. I mean, the government's motion. I haven't granted theirs yet. What else do you want me to write?

MR. ARMSTRONG: If Your Honor is not inclined to instruct them to keep deliberating --

THE COURT: That's correct.

11:39:23

MR. ARMSTRONG: -- we would ask if they are

1 unanimous as to any count.

2 THE COURT: Okay. Any objection to that?

3 MR. WILLIAMS: No objection, Your Honor.

4 THE COURT: Okay.

11:39:57

5 MR. ARMSTRONG: Your Honor, just to be clear, I  
6 would request they be asked as to any counts as to either  
7 defendant.

11:40:31

8 THE COURT: All right. That is, "Have you  
9 reached a unanimous decision as to any counts as to any  
10 defendant?"

11 If you would, Ellen, just return that to me.

12 As far as I'm concerned, any problem putting a verbal  
13 response to that or do you want them to sign it? Any  
14 problem with a verbal response?

11:40:43

15 MR. WILLIAMS: I have no objection to a verbal  
16 response.

17 MR. ARMSTRONG: A written response would be  
18 preferred.

19 THE COURT: Say that again.

11:40:48

20 MR. ARMSTRONG: A written response would be  
21 preferred.

22 THE COURT: Get a written response. You can wait  
23 and say you'll be back in in 30 seconds. Okay. Just give  
24 it to them. Have a seat.

11:42:45

25 It says, "No."

1 All right. At this time, motion for mistrial is  
2 granted on the entire case.

3 Now let's bring the jury back in, and we'll excuse the  
4 jury.

11:42:58 5 CASE MANAGER: Judge, may I have just a second?

6 THE COURT: Yes. We have only six on that row,  
7 right?

8 CASE MANAGER: I need two minutes, Judge, please.

9 THE COURT: Are you going to be in there with  
10 them?

11 CASE MANAGER: Yes.

12 THE COURT: Okay. Everybody can be seated or  
13 move around, if you would like. We're just waiting on  
14 them.

11:46:44 15 THE MARSHAL: All rise.

16 (Jury entered courtroom at 11:46 a.m.)

17 THE COURT: Thank you. Be seated. All right.

18 Ladies and gentlemen, I'm going to ask the presiding  
19 juror, that's Mr. XXXXXX, two questions. Number one --

11:47:34 20 well, this is the basic question I'd ask you. We have the  
21 last question we had, "We cannot reach a unanimous  
22 decision."

23 I will ask you: Do you feel that there is any  
24 possibility that a unanimous decision could be reached by  
11:47:49 25 any further -- any further deliberations?

1 FOREPERSON: No, Your Honor.

2 THE COURT: All right. Then I have granted a  
3 mistrial in this case. The entire case will have to be  
4 redone right from the beginning.

11:48:03 5 I want to thank the attorneys and the jurors for their  
6 service. I will come back in and visit with you about  
7 this case and answer any questions that you may have, once  
8 we get back in there. The only thing I do want to mention  
9 to you is that since this case is now ongoing, it's an  
11:48:22 10 ongoing case, you are not to discuss this case.

11 You are free now from all the prior instructions given  
12 to you. You are free to discuss this case in as much or  
13 as little detail as anyone that you want to. But you are  
14 not to discuss anything about the case or have any contact  
11:48:38 15 with anyone related to the case. It includes the  
16 government and their attorneys and, what is it, and their  
17 witnesses and their agents and the defendants, their  
18 agents, any of the parties in this case. You are not to  
19 discuss it.

11:48:53 20 If you get contact from anyone like that, you are  
21 immediately to call my case manager. Okay. And then I'll  
22 take care of it. I need to put that in the form of an  
23 official court order to the jury panel. I have never had  
24 a problem with it; but at this point, since there is a  
11:49:11 25 mistrial, I need to direct that to you personally.

1           However, you are free to discuss it with anyone else  
2 you want. You are free from all the prior instructions  
3 given to you.

11:49:24

4           We can't do this whole jury system without the  
5 cooperation of the citizens. We just can't do it. I'll  
6 come back in there, and I'll talk to you about some other  
7 cases that the jury has found themselves in the same  
8 situation. I'll come back in and visit with you about  
9 that.

11:49:37

10           But it nowhere impedes anywhere the appreciation both  
11 sides have as to your willingness to come down and sit on  
12 a jury and to make a very difficult decision.

11:49:55

13           So I will be in with you in about five minutes and  
14 answer any questions you have. And we can talk all about  
15 some of the things I have in red as to what went on while  
16 you weren't here in the courtroom.

17           So with our appreciation at this time, you are  
18 excused. You may stand and return to the jury room.

19           THE MARSHAL: All rise for the jury.

11:50:08

20           (Jury exited courtroom at 11:50 a.m.)

21           THE COURT: Have a seat. Let's put it -- I have  
22 never in all of my years -- I came close in two cases.  
23 But I have never in my experience issued a gag order on  
24 attorneys or on any parties. I will say that I'm not  
25 going to in this case. But the attorneys know, all of the

11:50:45



1 attorneys know, the boundaries. In effect, you can talk  
2 about what is a matter of record but not as to anything  
3 else.

4 You better inform -- you better inform your clients  
11:51:02 5 about that, as far as I'm concerned. They don't want to  
6 mess with me along those grounds and neither does -- I'm  
7 looking at the government -- and neither do your agents or  
8 anyone else who testified for you.

9 We'll do it again. If you would check, mark this  
11:51:18 10 down, please. Jury selection for the next trial in this  
11 case -- and I will not entertain any matters for  
12 continuance. You have got to clear your own calendar.  
13 The trial is set for March 19th, 2018.

14 Thank you for working together as best as you could.  
11:51:40 15 I appreciate the advocacy on both sides. We're going to  
16 do it all again. Remember, I go over and over again. The  
17 City Hall bribery trials went three different. I was  
18 ready to go with the fourth when DOJ said no more.

19 So I'm going to get this done. It's an interesting  
11:51:56 20 case, well tried, well tried. I appreciate all the  
21 attorneys, even though I may have been barking at one side  
22 or the other during it. But that date is immovable.  
23 March 19th, 2018. I will do it all again. Thank you. We  
24 stand adjourned.

11:52:14 25 THE MARSHAL: All rise.

(Proceedings concluded at 11:52 a.m.)

Date: March 7, 2018

***COURT REPORTER'S CERTIFICATE***

I, Laura Wells, certify that the foregoing is a  
correct transcript from the record of proceedings in the  
above-entitled matter.

/s/ Laura Wells

Laura Wells, CRR, RMR

01:35:29

Laura Wells, CRR, RDR